

DEC 12 2019

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF
NORTH CAROLINA
MISC. NO. 5:13-MC-3**

U.S. District Court
Western District of N.C.

**IN RE: ALLOCATION OF STATESVILLE
DIVISION CASES
ORDER**

The following case assignment allocations will be applied in the Statesville Division and supersede all other prior orders as they may relate to the Statesville Division. Unless specifically stated otherwise, these case assignment allocations are effective *January 1, 2020*.

- 1.) Judge Bell shall be assigned all pending criminal cases from the Statesville Division except for any pending criminal cases the present presiding judge decides to retain.
- 2.) All new criminal cases filed beginning on the effective date of this Order shall be assigned to Judge Bell.
- 3.) Any criminal case filed in the Statesville Division in which Judge Bell must recuse due to a conflict shall first be assigned to Judge Whitney, then to Judge Conrad, and then to Judge Cogburn. If all these judges recuse themselves from a Statesville Division criminal case, then the case is to be assigned to Judge Reidinger.
- 4.) Effective with the date of this Order, all pending civil cases in the Statesville Division shall be assigned to Judge Bell except for any Statesville civil case the present presiding judge decides to retain. This includes actions brought under 42 U.S.C. § 1983 in which the plaintiff has counsel, and non-prisoner *pro se* Section 1983 actions.
- 5.) Effective with the date of this Order, any civil cases filed in the Statesville Division shall be assigned to Judge Bell. This includes actions brought under 42 U.S.C. § 1983 in which the plaintiff has counsel, and non-prisoner *pro se* Section 1983 actions.
- 6.) Any civil case filed in the Statesville Division in which Judge Bell must recuse due to a conflict shall first be assigned to Judge Whitney, then to Judge Conrad, then to Judge Cogburn, and then to Senior Judge Mullen. If all these judges recuse themselves from a Statesville Division civil case, then the case is to be assigned to Judge Reidinger.
- 7.) Death penalty and social security cases are subject of a separate allocation order.

8.) Judge Voorhees' 28 U.S.C. § 2255 actions in which he was the presiding judge in the underlying criminal case shall be assigned to Judge Bell. If Judge Bell is recused, then the matter is to be equally assigned to Judge Whitney, Judge Conrad, and Judge Cogburn.

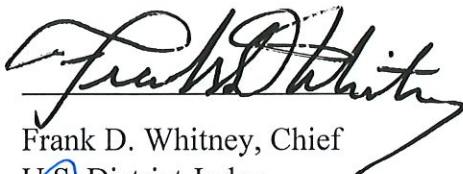
9.) Chief Judge Whitney and then his successor as Chief Judge shall be assigned all prisoner, *pro se* cases, filed pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 2254 (non-death penalty cases).

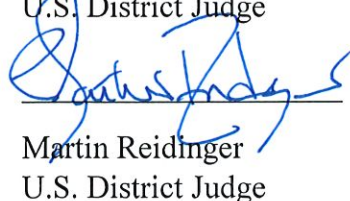
10.) Non-consent civil cases, with the exception of social security cases are referred to Charlotte Division magistrate judges by docket number for all pretrial proceedings and in accordance with any standing Orders of reference issued by a district judge. Consent cases will be handled by Charlotte Division magistrate judges for all purposes and in all respects. The general division of cases between magistrate judges shall be according to docket number with odd-numbered cases being assigned to Magistrate Judge Keesler and even-numbered cases being assigned to Magistrate Judge Cayer.

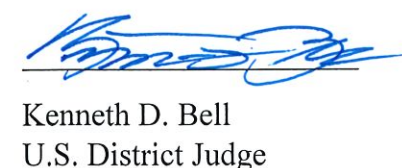
11.) The rules allocating criminal cases where a previous assignment has occurred are stated in Miscellaneous Order Number 3: 07-MC-61.

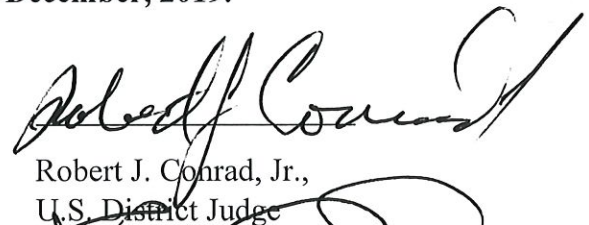
The Clerk is directed to serve copies of this Order to all district court judges, all magistrate judges, the United States Attorney, the Chief United States Probation Officer, the United States Marshal, all deputy clerks and all court reporters.

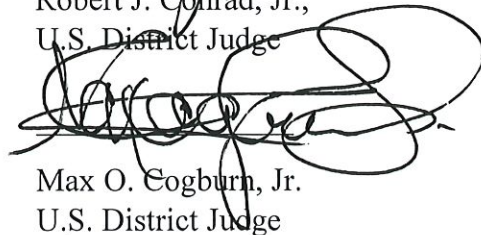
IT IS SO ORDERED, this 12th day of December, 2019.

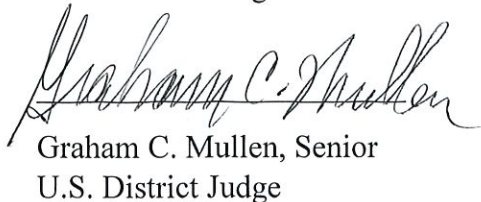

Frank D. Whitney, Chief
U.S. District Judge


Martin Reidinger
U.S. District Judge


Kenneth D. Bell
U.S. District Judge


Robert J. Conrad, Jr.,
U.S. District Judge


Max O. Cogburn, Jr.
U.S. District Judge


Graham C. Mullen, Senior
U.S. District Judge